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Third Session

THIRD COMMITTEE

PROVISIONAL SUMMARY RECORD OF THE TWENTY-FIRST MEETING

held at the Palais des Nations, Geneva,
on Thursday, 17 April 1975, at 9.55 a.m.

Chairman:	Mr. YANKOV	Bulgaria
later:	Mr. OSPINA	Colombia
Rapporteur:	Mr. MANYANG	Sudan

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N.B. Participants wishing to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit them in writing in quadruplicate, preferably on a copy of the record itself, to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva, within five working days of receiving the provisional record in their working language.

A/CONF.62/C.3/SR.21
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ORGANIZATION OF WORK

The CHAIRMAN said that he had made a report to the General Committee at its 11th meeting concerning the methods of work of the Third Committee. He had affirmed that the procedural pattern adopted at Caracas and followed at the current session had proved adequate for the negotiating process and for drafting articles. All delegations had been involved in the negotiations, which had been under the strict supervision of the Committee as a whole. Efforts had been made, with some success, to draw up compromise texts. The results achieved by the small drafting parties or negotiating groups had always been submitted to the Committee at a subsequent informal meeting. He accordingly assumed that the Committee saw no reason to change the procedural pattern; of course, it had to be viewed in a dynamic way, so that it could be amended if the need arose.

He had also drawn the General Committee's attention to the need to avoid scheduling meetings of informal groups at the same time as meetings of the Committee itself, which necessarily took precedence.

PRESERVATION OF THE MARINE ENVIRONMENT (continued) and MARINE SCIENTIFIC RESEARCH (continued)

Mrs. SAUVÉ (Canada) said that, as her country's Minister of the Environment, she had a direct interest in the work of the third Committee. Moreover, she was deeply concerned as a human being at the pressing problem of preserving the marine environment and preventing pollution within it before its degradation reached the point of no return - which might happen within 50 years unless strong preventive measures were taken. Already more than five years had been spent in attempting to produce agreed treaty rules imposing obligations on States to preserve the marine environment. The need for agreement was urgent. Although encouraging progress had been made in formulating draft articles on certain issues, she was alarmed at how much remained to be done.

Her Government was deeply committed to a negotiated solution to the problems facing the Conference. Like all other Governments however, it expected tangible results from the negotiations. If the Conference was unable, after years of preparatory work and so many weeks of negotiations, to produce at least a single text of draft treaty articles

which could serve as a basis of future negotiations, the consequences might be very serious. Many Governments, including her own, might feel compelled to take matters into their own hands. She was not forecasting any such action by her Government but, on the basis of discussions with other delegations, she believed that the possibility could not be ruled out on the part of many Governments.

The objective was clear. Both the direction of the work and the means of carrying it forward had been laid down at the Stockholm Conference in 1972 in the Declaration on the Human Environment and in the statement of objectives for the management of ocean space and the 23 principles on the preservation of the marine environment which had been endorsed in Recommendation 92 of that Conference. Those principles and objectives must be embodied in a global treaty. The sea was crucial to man's survival but even the sea could die if the laissez-faire régime which had prevailed in the past was not abandoned.

The statement of objectives concerning the marine environment that had been endorsed by the Stockholm Conference surely provided the starting point, the guidelines and the final goal of the deliberations of the Third Committee. That statement emphasized the vital importance of the marine environment and the need for proper management and for measures to prevent and control marine pollution. It provided the rationale for the concept of the 200-mile economic zone on which the success of the Conference depended. That concept did not relate simply to control of resources: the support of her delegation and of many others for the economic zone was based on recognition of the fact that environmental management was inseparable from resource management. Accordingly, there could be no question of a trade-off of environmental objectives against resource objectives or vice versa.

The statement of objectives applied equally to the area of the sea-bed beyond national jurisdiction. It was the only basis on which the principle of the common heritage of mankind could be translated into agreed treaty provisions. In her view, that principle implied common responsibility for the preservation of the marine environment as Principles 1 and 5 on the marine environment adopted at Stockholm

stated. Furthermore, Principle 21 laid down that States had the responsibility to ensure that activities within their jurisdiction or control did not damage the environment of other States or of areas beyond the limits of national jurisdiction.

The two basic concepts upon which the Conference was building a consensus were necessarily both environmentally-oriented and resource-oriented. They represented a development of the principles agreed upon at Stockholm, and required a radical change from the old laissez-faire system to one of rational management.

There was one subject which was bound up with both environmental protection and the transfer of marine technology, the question of "double standards". Her delegation contended that it was both necessary and possible to strike a proper balance between effective measures for the preservation of the marine environment and recognition of the special needs and problems of the developing countries. If there was to be a workable convention, it would be futile to impose a burden on the developing countries which they could not assume: they were not trying to evade their general environmental obligations, but rather looking for some way of accepting their full share of the common responsibility for man's survival. The best way of helping them to do that was the transfer of technology and the provision of assistance so that they could, on the one hand, benefit from the rights that they would acquire under the new convention and, on the other hand, meet their obligations, including those relating to scientific research. Canada, like many other countries, was already involved in a number of bilateral and regional programmes in the transfer of marine technology, and hoped to continue and expand them.

She was deeply sympathetic to the view of the developing countries that they could not afford to assume the additional environmental costs over and above the heavy burden of development costs. As matters stood, however, many developing countries were leading the way in striving to balance their economic needs and environmental objectives. The issue was not whether the world could afford the cost of preserving the marine environment, but rather whether it could afford the cost of not doing so. She had no doubt about the answer; the problem was when and how to take the necessary measures.

She urged all delegations to act with the utmost speed in producing draft articles on the preservation of the marine environment. No issue before the Conference was of a higher priority: if there was a criticism to be made of the deliberations of the Conference, it was that too much attention had been focused on other issues.

Mr. JAIN (India) congratulated the representative of Canada on her statement and particularly on her references to the need to consider the developing countries' interests in discussions on environmental questions. The provisions on the preservation of the marine environment should be so framed as to make it practicable for developing countries to implement them. Furthermore, the question of the cost of measures needed serious consideration.

Draft articles on marine scientific research (item 13) (A/CONF.62/C.3/L.26)(continued)

The CHAIRMAN suggested that, in view of the length of the list of speakers, they should limit their statements to five minutes each.

It was so agreed.

Mr. WALKATE (Netherlands) said that his delegation appreciated the comprehensiveness of the draft articles in document A/CONF.62/C.3/L.26. The proposal that the conduct of marine scientific research on the continental shelf should be subject to the same conditions as in the economic zone was an interesting one.

The crucial question was whether a distinction should be made between scientific research related to the exploration and exploitation of living and non-living marine resources and scientific research not so related. His delegation was anxious to discuss that issue further. He was glad to note that the sponsors of document A/CONF.62/C.3/L.26 were advocating a notification system for scientific research not related to exploration and exploitation, an idea taken from document A/CONF.62/C.3/L.19 which his delegation had sponsored and which had, in turn, been inspired by a resolution of the Intergovernmental Oceanographic Commission. However, the conditions laid down in document A/CONF.62/C.3/L.26 for such research were not identical with those in the earlier proposal; for one thing, a better balance should be struck between the interests of the coastal and the research States. She was sure that the land-locked and geographically disadvantaged States

which had sponsored document A/CONF.62/C.3/L.19 were gratified to find that the new proposal contained an article relating to their interests, but its text could be improved.

One serious omission from the draft articles (A/CONF.62/C.3/L.26) was a satisfactory procedure for the settlement of disputes. In that connexion, two conditions had to be fulfilled: the research State and the coastal State should, whatever régime was adopted, treat each other as equals when settling any disputes, and disputes should be settled within a reasonable time. His delegation, together with other sponsors of document A/CONF.62/C.3/L.19, was working on draft articles on a system for settling disputes at an expert level which he expected to be submitted to the Committee shortly.

Mr. FINUCANE (Ireland) said that the draft articles in document A/CONF.62/C.3/L.26 were comprehensive and took into account many of the elements discussed by the Committee; they also sought to balance the interests of the coastal and the research States.

The principle underlying the draft articles was the distinction between pure and resource-oriented marine research, but they unfortunately offered no firm guidelines as to how such a distinction might be made or who should make it. He agreed with the Netherlands representative that it was essential to incorporate a procedure for settling disputes.

He thought that the provisions relating to marine scientific research on the continental shelf and in the economic zone tilted the balance in favour of the coastal State; they did not obviate the danger that research might be curtailed by one arbitrary refusal or undue delay in replying on the part of that State. Research in the economic zone and on the continental shelf should be conducted in conformity with international guidelines established in the future Convention and a time-limit should be fixed for the coastal State's reply to a request for consent.

Draft article 5 was unsatisfactory since it appeared to undermine the competence of the proposed international authority. Draft articles 9 and 10 also required further consideration.

Mr. BOHTE (Yugoslavia) said that the basic approach and wording of document A/CONF.62/C.3/L.26 did not solve the problem of differentiating between pure marine scientific research and research which provided a basis for quantitative evaluation of resources and could not therefore be distinguished from exploration and exploitation proper. Consequently, the draft articles provided no grounds for the existence of two different legal régimes within the same area. There should, in his delegation's view, be a uniform/consent régime for all marine scientific research in the exclusive economic zone.

Document A/CONF.62/C.3/L.26 maintained that the principle of freedom to conduct research applied not only to the high seas but also to the sea-bed beyond the limit of the economic zone and/or of the continental shelf. His delegation held, however, that no such principle had ever applied with regard to the sea-bed and that it was, in any case, incompatible with the concept of the common heritage of mankind. Marine scientific research should be governed by the régime applicable to sea-bed activities in the international area and should be conducted subject to the rights of the future international authority, as the representative of mankind.

Draft articles 2 and 3 (A/CONF.62/C.3/L.26) did little to reconcile the differences of view on the subject that had become apparent at the second session. With regard to article 4, it was unacceptable that any duties should be imposed on coastal States in their territorial waters, where they enjoyed full sovereignty. His delegation would appreciate an explanation of the phrase "competent international organization", used in article 5. Article 7 made no mention of the need for preferential treatment for developing land-locked or geographically disadvantaged States situated near the research area. Article 8, in proposing a special régime for the access of research vessels to the ports and inland waters of coastal States, mentioned only the obligations of those States. Article 9 made no provision for the consent of the coastal State to the installation, deployment and use of scientific research installations - which should, in any event, be under its over-all jurisdiction if within the area subject to national sovereignty and/or jurisdiction, unless it had agreed otherwise when it gave consent. Finally, with regard to article 10, on responsibility for scientific research, although there was a need for a separate

provision on the subject, his delegation preferred the area approach proposed by India in the working group on marine scientific research.

Mr. HUSSAIN (Pakistan) said that his delegation shared the views of other delegations that article 1 in document A/CONF.62/C.3/L.26 did not provide a complete definition of marine scientific research inasmuch as it did not clearly indicate that research should be conducted without prejudice to the rights of coastal States within areas under their jurisdiction. The general principle enunciated in article 2 was unexceptionable, but the text did not clearly bring out the interests of the developing countries, which required preferential treatment. Paragraph 2 (b) of that article referred to "other legitimate uses of the sea compatible with the provisions of this convention" but not to other relevant rules of international law under which certain other uses had been recognized. Paragraph 3 did not refer to the rights of coastal States within areas under their jurisdiction. Such omissions would have to be rectified if article 2 was to be generally acceptable.

With regard to article 4, the second sentence of paragraph 1 was redundant, in view of the fact that the prior consent of the coastal State had to be obtained for research within its territorial sea. His delegation had serious difficulty with article 5, which ignored the role of the proposed international authority. Article 6 would deprive coastal States of their exclusive jurisdiction and control over marine scientific research in areas under their jurisdiction by establishing two different régimes for research activities on the basis of a differentiation between fundamental and applied marine scientific research. He contended, however, that it was practically impossible to differentiate in that way and therefore did not accept the proposal for two régimes. Coastal States should have full power to authorize and control all types of scientific research in areas under their jurisdiction, since such research could have a bearing on their security and strategic interests. It was for the same reasons that his delegation could not accept article 4, paragraph 2, or article 7, although it agreed that due account should be taken of the legitimate interests of developing land-locked and geographically disadvantaged States.

Article 8 was not required, since the facilities contemplated could be agreed upon at the time of obtaining the consent of the coastal State. His delegation could not support articles 9 and 10; article 9 did not give the coastal State over-all jurisdiction over research installations in areas under its jurisdiction and article 10 omitted all reference to the jurisdiction of the coastal State, a subject to which his delegation attached great importance.

Mr. BUSTANI (Brazil) said that document A/CONF.62/C.3/L.26 had some valuable features, although he did not agree with its underlying philosophy. The definition of scientific research in article 1 contained the qualification "conducted for peaceful purposes"; it would be more correct to attach that qualification to the application of the results.

The proposals in the document would make the rights of coastal States dependent on a dangerous, and indeed fallacious, distinction between types of marine scientific research. Coastal States would have no means of ascertaining whether a specific research project was being conducted in accordance with the rules proposed. Another problem was the rights of coastal States in their economic zones: he did not understand the difference drawn between territorial waters and economic zones in that respect. Article 5 spoke of freedom to conduct scientific research on the high seas including the sea-bed: such freedom had never existed and was incompatible with the generally accepted concept of the common heritage of mankind. Article 9 confused control over scientific research installations by the research State with the coastal State's jurisdiction over the area concerned: the two aspects should be kept distinct.

The sponsors of the document had progressed from a concept of complete freedom of marine scientific research to a régime of prior notification of scientific research related to exploration and exploitation in the economic zone. He hoped that they would accept the régime of consent by the coastal State, which would not impede the progress of science.

Mr. LO Yu-ju (China) said that the proposals in document A/CONF.62/C.3/L.26 nullified the reasonable principle that, in order to safeguard their sovereignty and security, the coastal State's consent should be required for any marine scientific research carried out in waters over which it had jurisdiction. It was impossible, in practice, to determine whether or not such research was related to marine resources.

The pretext of scientific research was used by super-Powers to undermine the security and economic interests of the many developing countries which were coastal States. Similarly, the theory, that "all States" should enjoy freedom of marine scientific research, asserted in article 5, had been firmly repudiated by third-world Powers, since it merely provided an opportunity for the super-Powers, with their superior technological capability, to steal a march on the developing countries. Scientific research on the high seas, including the sea-bed, should be subject to the régime of the proposed international authority.

Article 8 was unacceptable since it infringed the sovereignty of coastal States; its provisions were tantamount to imposing obligations on them, even to the extent of requiring them to take legislative measures. Similarly, the scientific research installations referred to in article 9 should be under the jurisdiction of coastal States, in addition to requiring their prior consent. Otherwise coastal States would exercise jurisdiction in name only, and their sovereignty and security could not be safeguarded.

Finally, his delegation disagreed with the general and indiscriminate references in the text to "in accordance with other rules of international law". Many of those rules had been established before the majority of developing countries became independent and did not conform with their interests. The world had changed, and developing countries could not be asked to accept out-of-date laws which operated to the sole advantage of the super-Powers.

Mr. BENADAVA (Chile) said that the essential element in document A/CONF.62/C.3/L.26 was the distinction between two categories of marine scientific research. In practice, as the Canadian representative had pointed out, it would be difficult, particularly for developing countries, to determine whether any particular research was linked with the exploitation of resources. If a difference of opinion about the classification of certain research arose between a coastal State and a research State, the former should be entitled to make the decision. The régime of prior consent by the coastal State had the advantage of being less likely to give rise to difficulties. With regard to article 9, he was of the opinion that scientific research installations, although legally the property of the research State, should be under the exclusive jurisdiction of the coastal State.

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Mr. TARANENKO (Ukrainian Soviet Socialist Republic) said that, as one of the sponsors of the draft articles on marine scientific research (A/CONF.62/C.3/L.26), he wished to elucidate some of the draft articles in the light of the views expressed by delegations.

Ukrainian scientists, together with scientists from other countries, played their part in studying the world's oceans for the purpose of ensuring the rational exploitation of the resources of the sea and the preservation of the marine environment in the interests of mankind.

His delegation was in favour of freedom for marine scientific research conducted on the high seas, including the sea-bed beyond the limits of the economic zone and the continental shelf, by all States, both coastal and land-locked, on the basis of equality and non-discrimination. That freedom should fully apply to the competent international organizations conducting such research.

The draft articles proposed that the conduct of scientific research on the continental shelf and in the economic zone, should be regulated in two different ways, depending on whether or not the research related to the exploration and exploitation of the resources of the economic zone and the continental shelf. Under article 6, research so related would have to be conducted with the consent of the coastal State and on conditions determined by it, with the coastal State having the right to participate or be represented in such research.

Article 7, on the other hand, provided that in the case of scientific research in the economic zone and on the continental shelf unrelated to the exploration and exploitation of the resources of those areas, the coastal State must be notified of the planned research, be given a detailed description of the research programme and be provided with an opportunity for participation.

Document A/CONF.62/C.3/L.26 had clearly aroused considerable interest, and the discussions on it had been businesslike and constructive. The delegation of Kenya, for example, had proposed that, in article 4, the word "may" should be replaced by the word "shall". His delegation was prepared to consider that proposal. As for the proposals of the delegations of Ireland and the Netherlands on the need to draft provisions on the regulation of marine research, he was sure that the sponsors would willingly discuss that matter.

The delegation of Nigeria had raised the question of the rôle of the future international authority in marine scientific research. In his delegation's view, the functions and rôle of the authority, in that field as in others, fell within the competence of the First Committee. He understood, however, that the intention was to empower the authority to conduct such research on the high seas jointly with States and other competent international organizations.

Several delegations had expressed doubts as to the need for, or possibility of differentiating between marine scientific research which was related to the resources of the economic zone and that which was not so related. His delegation was convinced that it was essential to distinguish between them, for the following reason: if the rights of the coastal State were recognized, not with respect to the area of the economic zone, but only with respect to the resources in that zone, the natural conclusion would be that only in the case of scientific research relating to such resources could the coastal State decide whether such research could be conducted and on what conditions. For research unrelated to the resources of the economic zone there had to be another régime not entirely subject to the discretion of the coastal State. That was precisely what was proposed in document A/CONF.62/C.3/L.26. Those and other similar issues could be discussed and clarified during further work on the draft articles.

In conclusion, he said that his delegation rejected the politically-motivated observations made by one delegation, and would not waste the committee's time by replying to them.

Mr. BENTEIN (Belgium) said he was pleased to note that there were points of similarity between the draft articles submitted by the socialist States and those in document A/CONF.62/C.3/L.19, of which his delegation had been a sponsor, and that the new proposal dealt with certain points not covered by the earlier draft articles. He had some reservations, however, about document A/CONF.62/C.3/L.26.

The new draft articles dealt, in fact, with basic marine scientific research, to the exclusion of research conducted with a view to the industrial exploitation of marine resources, although that was not immediately apparent from the text. Draft article 1 in document A/CONF.62/C.3/L.19 had at least defined the scope of subsequent articles. Paragraph 1 of draft article 2 contained a statement of intention which, as such, was not legally binding. In that case, too, a provision similar to draft article 2 in document A/CONF.62/C.3/L.19 would be preferable. Again, draft article 3

of the new proposal made no reference, in connexion with the flow of scientific data, to land-locked and other geographically disadvantaged States, as did the corresponding provision of document A/CONF.62/C.3/L.19.

He shared some of the doubts expressed about the subtle distinction made in the proposal between the two types of régime envisaged, particularly in view of the ambiguous definition in article 1 of marine scientific research. It would inevitably be very difficult to apply such provisions, and his delegation would need further clarifications before it could take a final stand on the matter. Furthermore, draft articles 4, 5 and 6 required redrafting.

He was disappointed to note the absence of any provision for the settlement of disputes, which had been the subject of paragraph 5 of articles 6 in document A/CONF.62/C.3/L.19. Such a provision was particularly important in a document which relied on subtle distinctions and ambiguous terminology. Article 8, on the other hand, was probably redundant.

In conclusion, he said that his delegation was prepared to accept the draft articles as a basis for consideration, provided they were amplified to include complementary provisions from document A/CONF.62/C.3/L.19.

Mr. POJANI (Albania) said that the conduct of marine scientific research within a coastal State's area of sovereignty was a matter directly affecting its freedom and independence and should therefore rest exclusively within its jurisdiction. Control over such research was a right which developing countries and other sovereign States wished to have enshrined in any new convention on the law of the sea.

The sponsors of the draft articles, however, had ignored such legitimate aspirations and sought to sanction in a new convention the so-called "freedom of scientific research" - which meant, in effect, the freedom of the major imperialist powers, and in particular the United States and the Soviet Union, to implement their aggressive policies and plunder the resources of other countries. Despite their efforts to camouflage their real aims, it was abundantly clear from paragraphs 1 and 2 of article 6 - which no sovereign State could accept - that the articles were directed against the interests of developing countries. They failed, for example, to specify who would be authorized to determine whether marine scientific research was, or was not, related to the exploration and exploitation of the living and non-living resources of the economic zone.

In short, document A/CONF.62/C.3/L.26 was a blatant attempt to deny sovereign States their just demands for the establishment of an economic zone, to limit their jurisdiction over the zone and to give legal effect in a new convention to imperialist policies of aggression and expansion.

He noted that draft article 1 defined marine scientific research as research conducted "for peaceful purposes": the real purpose of the imperialist powers in conducting such research was all too well known, especially when it was conducted close to the shores of sovereign States.

Mr. Ospina (Colombia) took the Chair.

Mr. DAHMOUCHE (Algeria) said that the draft articles constituted a step towards agreement on a new convention, in that, for the first time, certain delegations had abandoned traditional positions and conceded some of the demands of developing countries, particularly those which were also coastal States.

The draft articles were, however, unsatisfactory in two important respects. In the first place, they introduced the idea of two different régimes for the economic zone, one requiring consent by the coastal State and the other advance notification, merely as a courtesy, by the country conducting scientific research in the territorial waters of a coastal State. His delegation was, however, prepared to consider a more flexible system of consent in the case of basic research.

Secondly, the draft articles gave the impression that coastal States owed a duty but did not enjoy a right. It was unfortunate that no document had as yet been submitted which listed the duties of a State conducting scientific research. Moreover, the draft articles, while paying lip-service to equality, in fact enhanced one major inequality by ignoring the fact that developing coastal States would never get the chance to carry out scientific research in the territorial waters of developed countries and that it would always be the same Powers which had the means to carry out such research.

Another criticism concerned the general approach of the draft articles. He was categorically opposed to the idea of isolating the territorial sea from the economic zone and, there again, establishing two régimes, and he was surprised to note that other documents submitted by the developing countries, particularly on the role of the international authority, had apparently been disregarded. The sponsors of the draft articles should be seeking to promote co-operation among those delegations in the Committee which shared a common vision of the future.

A commendable feature of the draft articles was the invitation to developing countries to take part in scientific research. Such co-operation should not, however, be confined to research but should extend to the planning of programmes, so as to ensure that the results of research were relevant to the targets set by developing countries. His delegation would like to see that very important point incorporated in the draft articles or another related document.

There were constant references in Conference documents to international law; there was such a reference in draft article 10, for instance. Existing international law had, however, grown up before many countries attained independence, and it was unjust in many respects. The time had come to set aside an outdated legal structure in favour of a new international economic order.

Mr. TIKHONOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that there had been much constructive comment on the draft articles (A/CONF.62/C.3/L.26). His delegation still considered that it would be feasible to have two types of régime governing research in the economic zone, but it was prepared to co-operate with others in the matter. His delegation was convinced that solutions could be found which served the interests of all countries, provided the majority of delegations adopted a reasoned approach. Some delegations, however, had sounded a dissonant note. Their aim was to impede the Committee's work, to deflect the discussion towards political matters and to create a climate of distrust. His delegation would confine itself to stating that such manoeuvres would fail, just as in the Middle Ages attempts to thwart progress by condemning those who carried out research had failed.

Mr. POJANI (Albania) speaking in exercise of the right of reply, said that nobody, and least of all his delegation, had any quarrel with the definition of marine scientific research as research "conducted for peaceful purposes" given in draft article 1. His concern, however, was with the aggressive policies of the Soviet Union and other countries.

The socialist imperialist powers were insisting on freedom of scientific research for their own ends. They were seeking freedom of passage for ships allegedly engaged in scientific work through the territorial waters of other countries and through straits used for international navigation; those vessels could travel close to the shores of other countries. His delegation objected strongly to granting absolute freedom for such activities.

The conclusions drawn by the Soviet Union representative had, as might be expected, failed to reflect the atmosphere prevailing in the Committee and the just demands of the majority of member States.

Draft article on the prevention of pollution from dumping at sea (item 12) (A/CONF.62/C.3/L.27)

Mr. METROPOULOS (Greece) said that the purpose of the draft article on the prevention of pollution from dumping at sea (A/CONF.62/C.3/L.27) was to put all existing proposals or generally accepted ideas into systematic form in a document which could serve as a basis for future negotiations. It was based on the assumption that the future convention would deal with four main forms of pollution, namely, those deriving from land-based sources, exploitation and exploration of the sea-bed, ships and dumping. Some of those forms were already covered by existing Conventions. The future convention on the law of the sea could not include all the details of such conventions and should not aim to replace them. Its main purpose would be to define general principles and basic obligations, and to apportion jurisdiction between States with regard to rule-making and enforcement in such matters as dumping.

Paragraph 1 of the draft article reproduced the definition of [illegible] contained in the 1972 London Convention on Dumping. Paragraph 2 referred to the basic obligations of States. Paragraph 3 dealt with the apportionment of jurisdiction on rule-making, a problem which was not disposed of by a provision dealing with coastal State rule-making only; its provisions were to some extent implied in the London Convention on dumping.

Paragraph 4 dealt specifically with the authorization of dumping by the coastal State, the port State and the flag State.

Paragraph 5 related to enforcement and was an expanded version of article 3 in document A/CONF.62/C.3/L.4 which his delegation had submitted at the Caracas session, and paragraph 6 dealt with the non-duplication of proceedings. Naturally, if a separate article on that subject was included in the convention, paragraph 6 might be deleted.

In conclusion, he said that his delegation was a sponsor of documents A/CONF.62/C.3/L.4 and A/CONF.62/C.3/L.24, which dealt with related aspects of pollution, and considered that the new draft article was consistent with those proposals.

Mr. Yankov (Bulgaria) resumed the chair.

Mr. HUSSAIN (Pakistan) said that the provisions of paragraphs 3a and 4 of the Greek draft article appeared to be a departure from the generally agreed principle that the control of land-based marine pollution would be the responsibility of the coastal State, which would take account of international regulations.

Mr. TSIMAGENIS (Greece) observed that dumping was a combination of land - and sea-based pollution. However, his delegation was prepared to take account of any agreed conclusion that might emerge on double standards with regard to land-based pollution and the special needs of developing countries in that sphere.

Mr. JAIN (India) suggested that reference should be made in the draft article, not just to "wastes", but to wastes which "may significantly endanger any part of the marine environment". He endorsed the views expressed by the representative of Pakistan about coastal States' power to make regulations concerning land-based sources of pollution. Paragraph 3(b) would be acceptable to his delegation if the words "an area .... sea" were replaced by the phrase "areas under their national jurisdiction or sovereignty". He further suggested that paragraph 4 should be amplified to include the concept of authorization.

Mr. bin MAJID (Malaysia) supported those observations.

Mr. BUSHA (Inter-governmental Maritime Consultative Organization), speaking at the invitation of the Chairman, said that two international Conventions had been adopted at the International Conference on Marine Pollution Damage, convened by IMCO in 1969, as part of a concerted and urgent response by Governments to the problems created by massive oil pollution emanating from ships. As the required number of States had now ratified or acceded to both Conventions, they would enter into force within a few months.

The International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, which would enter into force on 6 May 1975, gave expression to the rights of States to protect the seas and coastlines from the grave consequences of maritime casualties which involved or threatened oil pollution, and authorized States to take measures to prevent, mitigate or eliminate harm to their coastlines. There were 18 Contracting Parties to that Convention.

The International Convention on Civil Liability for Oil Pollution Damage, which would enter into force on 19 June 1975, had been the first effort by Governments to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation to persons affected by oil pollution damage resulting from the escape or discharge of oil from ships. There were 14 Contracting Parties to that Convention.

Those developments were a significant advance in Governments' over-all efforts to provide new law for the prevention and control of pollution from ships and for the related problems of liability and compensation for victims of such pollution. It was to be hoped that the number of States agreeing to be bound by those treaties would increase rapidly in view of the prospect that they would soon become part of the international treaty law of the sea.

Mr. YAÑEZ (Spain) supported by Mrs. PULECIO de GUARIN (Colombia) requested that information concerning the status of all Conventions or other instruments relating to marine pollution should be made available to delegations.

Mr. BUSHA (Inter-governmental Maritime Consultative Orgnization) said that IMCO would be happy to provide information concerning any instruments adopted under its auspices.

The meeting rose at 12.35 p.m.